



US Army Corps
of Engineers®

Public Notice

Public Notice No. 07-65

Date: July 24, 2007

Nashville District

Application No. 4780800

Please address all comments to:
Nashville District Corps of Engineers, Regulatory Branch
3701 Bell Road, Nashville, TN 37214

JOINT PUBLIC NOTICE
US ARMY CORPS OF ENGINEERS
and
TENNESSEE VALLEY AUTHORITY

SUBJECT: Proposed Commercial Marina Expansion for Lake Guntersville Resort (Formerly Anchorage Marina) at Stearnes Creek Mile 1.8, Tennessee River Mile 363.0R, Guntersville Lake, Marshall County, Alabama

TO ALL CONCERNED: The application described below has been submitted for a Department of the Army (DA) Permit pursuant to **Section 10 of the Rivers and Harbors Act of 1899** for construction of marina structures into waters of the United States, and a Tennessee Valley Authority (TVA) permit pursuant to **Section 26a of the TVA Act**.

APPLICANT: Lake Guntersville Resort, LLC
T. Mandell Tillman
404 Montgomery Street
Gadsden, Alabama 35901

LOCATION: Stearns Creek Mile 1.8L, Tennessee River Mile 363.0R, Guntersville Lake, Marshall County, Alabama (Mt. Carmel Quad; lat 34-24-30, lon 86-16-09)

DESCRIPTION: The proposed work consists of the expansion of an existing marina, known as Anchorage Marina. A DA permit was issued for the marina in July 1990, for a total of 350 slips. The slips would be constructed within Tennessee Valley Authority (TVA) approved harbor limits. However, over time, only 140 slips were constructed. The new applicant, Lake Guntersville Resort, now proposes to construct the remaining 210 slips that were previously permitted but never constructed. The proposed 210 slips would also be within the approved, established harbor limits. The proposed slips would be fixed and covered. Plans of the proposed work are attached to this notice.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

An Environmental Assessment (EA) was prepared for the original marina in 1990. This EA may be adopted unless new circumstances become known during the public notice review period.

The Alabama Historical Commission (AHC) responded to the original marina site in March 1989, stating that their office can concur with the proposed activities. In addition, the National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known which would be affected by the proposed work. This review constitutes the full extent of cultural resources investigations unless comment to this notice is

received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the office of the State Historic Preservation Officer.

The U.S. Fish and Wildlife Service responded in March 1989 to the original marina site that the work would not impact and known threatened or endangered species. Also, currently based on available information, the proposed work will not destroy or endanger any Federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act. Therefore, we have reached a no effect determination and initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Other federal, state, and/or local approvals required for the proposed work are as follows:

Tennessee Valley Authority (TVA) approval is required under Section 26a of the TVA Act for the proposed work. TVA stated that the original 26a permit for the marina site would be reissued for the expansion project since the work is within TVA established, approved harbor limits.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Written statements received in this office on or before **August 8, 2007**, will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attention: Amy Robinson, at the above address, telephone (615) 369-7509.

If you received this notice by mail and wish to view all of the diagrams, visit our web site at:
<http://www.lrn.usace.army.mil/cof/notices.htm>, or contact Amy Robinson at the above address or phone number.

Proposed construction of 210 new slips
as shown on this drawing and attached
map.

Slips will be open, covered, and fixed.

ESTABLISHED
HARBOR LIMITS

EXISTING 140
SLIPS

PROPOSED
210 SLIPS

PROPOSED
SLIPS

FILE No. 4780800
PN 07-65

